

Message Text

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SUBJECT: NARCOTICS LAWS

REF: (A) STATE 170187 (B) STATE 203321 (C) NICOSIA 2055

1. THERE FOLLOWS BELOW A COMPREHENSIVE DESCRIPTION OF THE
NARCOTICS LAWS FOR THE TURKISH-ADMINISTERED SECTOR OF CYPRUS.
THE LAWS ARE ESSENTIALLY IDENTICAL TO THOSE OF THE REPUBLIC
OF CYPRUS.

A. POSSESSION, TRAFFICKING, OR CULTIVATION OF ANY KIND OR
QUANTITY OF NARCOTIC SUBSTANCES IS PROHIBITED IN TURKISH FEDERATED
STATE OF CYPRUS UNDER THE NARCOTIC DRUGS LAW NO.3/1972, AS AMENDED
IN 1977 BY LAWS NOS. 16 AND 54. VIOLATION OF ANY PROVISION OF THE
LAWS CONSTITUTES AN OFFENSE UNIFORMLY PUNISHABLE BY A FINE NOT
EXCEEDING ONE THOUSAND CYPRUS POUNDS (APPROXIMATELY \$2744.00) OR
IMPRISONMENT NOT EXCEEDING TEN YEARS OR BOTH, SUBJECT TO THE
DISCRETION OF THE COURT. THERE IS NO MANDATORY SENTENCE. PAROLE
MAY BE GRANTED BY COURT IN ACCORDANCE WITH CHAPTER 286 OF
PRISONS DISCIPLINE LAW.

B. POSSESSION: (1) THERE IS NO DIFFERENTIATION IN THE LAW
FOR POSSESSION OF VARIOUS TYPES OF NARCOTIC SUBSTANCES AND ANY
AMOUNT CONSTITUTES A POSSESSION OFFENSE.

C. TRAFFICKING: (1) LAWS DO NOT PROVIDE FOR A SEPARATE
OFFENSE FOR A PARTICULAR SUBSTANCE; (2) ANY AMOUNT QUALIFIES FOR
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TRAFFICKING OFFENSE, AND (3) THERE IS A CRIMINAL OFFENSE RELATING
TO CONSPIRACY UNDER TFSC GENERAL CRIMINAL LAW, IF ELEMENTS
OF CONSPIRACY ARE PRESENT.

D. CULTIVATION, PRODUCTION AND ELABORATION: CULTIVATION,
PRODUCTION, OR ELABORATION OF ANY TYPE OF NARCOTIC SUBSTANCE OR
SUPPORT THEREOF IS PROHIBITED.

E. FINANCIAL: (1) FINANCIAL SUPPORT FOR CULTIVATION,

ELABORATION, OR TRAFFICKING IS PROHIBITED UNDER THE TFSC GENERAL CRIMINAL LAWS GOVERNING AIDING AND ABETTING. (2) TFSC MINISTRY OF FINANCE EXCHANGE CONTROL REGULATIONS PROVIDE THAT NO MORE THAN FIVE THOUSAND TURKISH LIRA (APPROXIMATELY \$200.00) MAY BE TAKEN OUT OF THE STATE BY TFSC RESIDENTS IN A ONE YEAR PERIOD. NON-RESIDENTS MAY TAKE OUT ONLY TWO HUNDRED AND FIFTY TURKISH LIRA (APPROXIMATELY \$10.00) IN CASH AND THE UNSPENT BALANCE OF ANY FOREIGN CURRENCY DECLARED ON ARRIVAL. OPENING OF FOREIGN ACCOUNTS BY DEALERS IS PROHIBITED.

F. CRIMINAL PROCEDURE: (1) DETENTION IS GOVERNED BY PROVISIONS OF THE GENERAL CRIMINAL LAW. ARTICLE 26 OF THE TFSC CONSTITUTION STATES THAT PERIOD OF DETENTION CANNOT EXCEED THREE MONTHS. IN PRACTICE, CONSULAR ACCESS IS PERMITTED AND EMBASSY IS NOTIFIED OF ARREST AS SOON AS POSSIBLE.

(2) NARCOTICS VIOLATIONS FALL WITHIN THE JURISDICTION OF THE TFSC CRIMINAL COURT. PRELIMINARY HEARING OF NARCOTICS CASE IS HELD SOON AFTER COMPLETION OF INVESTIGATION. COURT MAY ORDER THAT ACCUSED REMAIN IN CUSTODY UNTIL TRIAL COMMENCES. (3) AVERAGE LENGTH OF TRIAL PROCESS VARIES - NUMBER OF WITNESSES AND LENGTH OF TESTIMONY ARE AMONG GOVERNING FACTORS. APPELLATE PROCESS COMMENCES WITHIN TEN DAYS OF CRIMINAL COURT'S DECISION. SUPREME COURT CUSTOMARILY ANNOUNCES ITS DECISION WITHIN FIFTEEN TO TWENTY DAYS OF THE FILING DATE OF THE APPEAL. (4) LEGAL AID IS AVAILABLE IF ACCUSED HAS INSUFFICIENT FUNDS. THERE IS AN ADEQUATE NUMBER OF ATTORNEYS CAPABLE OF HANDLING NARCOTIC CASES. FEES ARE SET BY MEMBERS OF THE TURKISH-CYPRIO BAR AND UNCLASSIFIED

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RANGE FROM FIFTY CYPRUS POUNDS (APPROXIMATELY \$137.00) TO ONE THOUSAND CYPRUS POUNDS (APPROXIMATELY \$2744.00) (5) FOREIGN NATIONALS WHO ARE MINOR OFFENDERS ARE CUSTOMARILY EXPELLED BY TFSC IMMIGRATION AUTHORITIES.

2. TWO COPIES OF TFSC NARCOTICS DRUGS LAW NO. 4/1972 AND 1977 AMENDMENTS, NOS. 16 AND 54, ARE BEING POUCHED TO DEPARTMENT. STONE

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